
SAN FRANCISCO DISTRICT

US Army Corps
of Engineers

PUBLIC NOTICE

Regulatory Branch
333 Market Street
San Francisco, CA 94105-2197

NUMBER: 24555N DATE: April 5, 2002
RESPONSE REQUIRED BY: May 5, 2002

PERMIT MANAGER: Philip Shannin

PHONE: 415-977-8445 pshannin@spd.usace.army.mil

1. **INTRODUCTION:** Mr. Jay Ryder of Ryder Homes of California, P. O. Box 4008, Walnut Creek, CA 94596 [Contact: Laurence P. Stromberg, Ph.D., Wetlands Consultant, 415-721-0700], has applied for a Department of the Army permit to place fill into 2.42 acres of jurisdictional waters of the United States (seasonal wetlands), as verified by the Corps on April 18, 2001 (figure 3), for the purpose of constructing Southwest Estates, a residential subdivision development project. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. Section 1344).

2. PROPOSED PROJECT:

a. Project Site – The site of the proposed project is located on the Santa Rosa Plain, in southwest Santa Rosa, Sonoma County, California (figure 1). It is located at 575 Bellevue Avenue on the west side of U.S. Highway 101 between Dutton Meadows Drive and Elsie Allen High School (figure 2). Colgan Creek Flood Control Channel, a man-made channel operated by the Sonoma County Water Agency, abuts the southern project site boundary.

The site is currently vacant. The land to the north (Bellevue Ranch) has been developed residentially and the lands to the east and northeast are a series of three-to five-acre rural residential lots along Dutton Meadows Drive. The land south of the site, across Bellevue Avenue, is also rural residential.

In the past, the property appears to have been subjected solely to ordinary rural residential use, including horse, cattle, and sheep grazing. Although the

property is now unoccupied, a small house and associated outbuildings (sheds, garage, etc.) remain.

Some leveling and filling may have occurred in the southern third of the property and currently tall eucalyptus grow on soil excavated from the Colgan Creek Flood Control Channel (off-site) and piled in the extreme southwest corner of the property. Most of the northern two-thirds of the property appears to retain the natural microtopography, the soils remain physically intact, and the limited physical disturbance suggests that this part of the property was probably never used for intensive agriculture.

The site is relatively flat, with only two to three feet of relief between the northern and southern boundaries except where fill excavated from Colgan Creek Flood control channel was mounded to a height of approximately 12 feet. The site retains microtopography of the type associated with Wright loam soils and their transitions with Clear Lake clays and comprises mounds, swales and basins, and level transitional areas. The mounds range in height from one foot to 18 inches, extending up to two feet above the depressions.

The off-site drainage has been altered as a result of ditch and road construction and the diversion of water from the tributary watershed. When Elsie Allen High School was built, Burgess Drive was constructed along the west property line of the Wong parcel. The road was generally constructed at the average preexisting grade with four wooden box inlets along the east side of the road (some actually on the Wong property). Their primary function is to collect water from the eastern half

of the crowned road and convey it by culvert to the storm drain system below the road.

Except for the stand of eucalyptus, the site supports primarily a mosaic of non-native annual grassland and seasonal wetland habitat.

b. Project Description – Ryder Homes has applied to the City of Santa Rosa to rezone the property and to develop 55 single-family homes and a 55-unit apartment complex (figures 4 and 5). The zoning would be changed from “PB” public building, to “R-1-2/6”, small-lot, single-family residential district, for the northern 10.78 acres and to “R-3-18”, multiple residential, for the southern 3.08 acres. The City’s zoning ordinance for single-lot residential district does not specify a maximum density but it does specify the minimum lot size to be 4,000 square feet. The multiple residential zone has a maximum of 18 units per acre with no more than three-story buildings.

The 55 single-family homes would be built in the 10.78-acre area on lots ranging in area from 5,100 square feet to 6,030 square feet, less than the minimum set by the City. The homes would have three or four bedrooms and have an average footprint or area of 1,720 square feet. The apartment complex would include seven buildings would be located on the southern three acres. The apartments would include 27 one-bedroom units and 28 two-bedroom units. One hundred and twenty parking spaces will be provided.

The subdivision will be served by an internal network of cross roads that would form tee intersections on the west with Burgess Drive, which serves as the access road to Elsie Allen High School and extends north into the Bellevue Ranch subdivision to Rain Dance Way. Burgess Drive is designated in the Southwest Area Plan as a local collector road. The cross roads would be stubbed out at the east property line for future possible extension onto the properties to the east (designated for residential use), through which another local collector road is shown in the Southwest Area plan and planned for by the City of Santa Rosa.

A bicycle and pedestrian path is planned for the Pacific Gas and Electric (PG&E) power line, along the eastern property line (figures 4 and 5). The pathway is shown in the Southwest Area Plan. If and when it is constructed, the pathway will parallel the east property line and extend from the community park along Hearn to Colgan Creek Flood Control Channel, where it will occur on Sonoma County Water Agency land, crossing the existing bridge to the sidewalk along Bellevue Avenue. The existing bridge across the channel will be retained for this pathway and to provide access to the apartment complex.

Purpose and Need: The City of Santa Rosa has designated the Southwest Area for residential development. This land use is intended to meet a portion of the projected housing needs of the City through 2010. Approximately 60 percent of the remaining residential development opportunities (potential) in the City of Santa Rosa resides in the Southwest Area. The City identified projects in the Southwest Area Plan that would have to be developed, for the City to meet its housing needs, while adhering to its Growth Management Ordinance. This site is one of the projects included in the list.

d. Mitigation – Mitigation for the loss of wetland habitat is proposed at the ratios established in the programmatic consultation recently completed between the U. S. Fish and Wildlife Service and the U. S. Army Corps of Engineers. Mitigation combines preservation at a ratio of 1:1 with restoration and/or construction at a ratio of 1:1 or 1.5:1, the latter if the mitigation wetlands have not been observed over at least one winter to show adequate hydrologic function. Both preservation and restoration/construction mitigation will also take place in the same zone as the project impacts.

The applicant has entered into a purchase agreement with Cobblestone Homes, Inc., to buy 2.42 acres of mitigation credits from the Sonoma County Airport Consolidated Mitigation Bank to accomplish the construction element of the wetland mitigation obligation. The applicant also proposes to purchase the same number of acres from the Southwest Santa Rosa

Vernal Pool Mitigation Bank on Todd Road or the Wright Preservation Bank, to satisfy the preservation element of the mitigation obligation.

3. STATE APPROVALS: Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must obtain a State water quality certification or waiver before a Corps permit may be issued. The applicant has provided the Corps with evidence that he has submitted a valid request for State water quality certification to the North Coast Regional Water Quality Board. No Corps permit will be granted until the applicant obtains the required certification or waiver. A waiver shall be explicit, or it will be deemed to have occurred if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act.

Those parties concerned with any water quality issues that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, North Coast Region, 5550 Skylane Boulevard, Suite A, Santa Rosa, California, 95403, by the close of the comment period of this public notice.

4. COMPLIANCE WITH VARIOUS FEDERAL LAWS

National Environmental Policy Act of 1969 (NEPA): At the conclusion of the comment period, the USACE will assess the environmental impacts of the project in accordance with the requirements of the National Environmental Policy Act of 1969 (Public Law 91-190), the Council on Environmental Quality's Regulations at 40 CFR 1500-1508, and USACE Regulation Regulations at 33 CFR 230 and 325. The final NEPA analysis will normally address the direct, indirect, and cumulative impacts, that result from regulated activities within the jurisdiction of the USACE and other non-regulated activities the USACE determines to be within its purview of Federal control and responsibility to justify an expanded scope of analysis for NEPA purposes. The final NEPA analysis

will be incorporated in the decision documentation that provides the rationale for issuing or denying a Department of the Army permit for the project.

Endangered Species: California freshwater shrimp (*Syncaris pacifica*) may occur on the Santa Rosa plain in sandy and gravelly reaches of streams, typically inhabiting pools found below undercut banks and exposed tree roots. No creek habitat occurs on the project site and, therefore, no suitable habitat is present for this species.

Two years of surveys have been conducted for all endangered plant species that could possibly be on the project site. These species are the Sonoma sunshine (*Blechnosperma bakeri*), Sebastopol meadowfoam (*Limnanthes vinculans*), and Burke's goldfields (*Lasthenia burkei*). The surveys were conducted within the "window" during which virtually all target species were either in flower or readily identifiable. The methods used were consistent with United States Fish and Wildlife Service protocols and California Department of Fish and Game guidelines, for assessing the effects of proposed development projects on rare and endangered plants and plant communities. No species listed as threatened or endangered by the federal government were observed in the surveys conducted to date.

Historic and Cultural Characteristics:

Archaeological resource surveys were conducted in support of the EIR prepared by the City of Santa Rosa for the Southwest Area, of which the project site is a part. No evidence of prehistoric, archaeological, or cultural resources was observed. The site supports several residences and associated sheds, barns, and other outbuildings along Dutton Meadow Drive but none have been designated as historic structures.

Standard construction-related measures would be taken should buried or concealed cultural resources be exposed during construction. All contractors and subcontractors will be informed in writing of the

potential for unearthing culturally significant resources. If artifacts are found during construction, work in that area will cease until an archaeologist can investigate the artifacts and assess their archaeological value.

If cultural resources that are listed or eligible for listing on the National Register of Historic Places are identified during construction, the Corps of Engineers will coordinate with the State Historic Preservation Officer to take into account any project effects on such properties.

5. EVALUATION OF ALTERNATIVES:

Evaluation of this activity's impacts includes application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act (33 U.S.C. 1344(b)). An evaluation under the 404(b)(1) Guidelines indicates that the project is not water/wetland dependent. However, the applicant has submitted an Analysis of Alternatives for the project and it will be reviewed for compliance with the Guidelines. The applicant states that there are no practicable alternatives for his project. The Analysis of Alternatives is available for review in our office.

6. PUBLIC INTEREST EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all those factors, which become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision will reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation,

economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

7. CONSIDERATION OF COMMENTS: The Corps of Engineers is soliciting comments from the public, Federal, State and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

8. SUBMISSION OF COMMENTS: Interested parties may submit in writing any comments concerning this activity. Comments should include the applicant's name, the number, and the date of this notice and should be forwarded so as to reach this office within the comment period specified on page one of this notice. Comments should be sent to the Regulatory Branch. It is Corps policy to forward any such comments, which include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose address is indicated in the first paragraph of this notice, or by contacting Philip Shannin of our office at

telephone 415-977-8445 or E-mail:
pshannin@spd.usace.army.mil. Details on any changes
of a minor nature, which are made in the final permit
action, will be provided on request.